

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION


AMERISURE MUTUAL INSURANCE	}	
COMPANY,	}	
	}	
Plaintiff,	}	CIVIL ACTION NO.
	}	07-AR-0716-S
v.	}	
	}	
TRUSTMARK SOUTH OF ALABAMA,	}	
INC., et al.,	}	
	}	
Defendants.	}	

**MEMORANDUM OPINION AND ORDER**

Before the court is a motion by defendant and counterclaimant, Trustmark South of Alabama, Inc., to transfer the above-entitled case to the Southern District of Alabama. From the record, defendants, Southern Ventures, LLC and Caribbean I Homeowner's Association, Inc. have not appeared or been served, although certificates of service on pleadings filed by other parties reflect that these unserved defendants are represented by counsel. Before ruling upon the question of *forum non conveniens*, the court will await appearances by the thus far non-appearing defendants and an expression from them on the venue question, or, if said defendants do not voluntarily appear and plaintiff fails to obtain service within the time constraints of Rule 4(m), F.R.Civ.P., the action will be dismissed as against the unserved defendants, and the venue question will be then ruled upon. **This order shall be transmitted by the Clerk not only to counsel for the parties who have appeared, but to Richard**

B. Johnson, Esq., Lyons, Pipes & Cook, P.C., P.O. Box 2727,  
Mobile, AL 36652-2727 and to George R. Irvine, III, Esq., Stone,  
Granade & Crosby, P.C., 7133 Stone Drive, Daphne, AL 36526.

DONE this 19<sup>th</sup> day of June, 2007.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE